

Notice of Allowability

Application No.

10/728,619

Examiner

Carlos Lugo

Applicant(s)

LOWRY ET AL.

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on September 16, 2004 and telephone interview on November 18, 2004.

2. ☒ The allowed claim(s) is/are 21-42, 45 and 46.

3. ☐ The drawings filed on _____ are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☒ Other See Continuation Sheet.

Continuation of Attachment(s) 9. Other: Copy of new Fig. 13 to be added to the drawings.

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on September 16, 2004.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Eustathios Vassiliou on November 18, 2004.
4. The application has been amended as follows:
 - Page 1 Line 1, the sentence "This application claims priority of provisional patent application 60/388,976, filed on June 14, 2002, which is incorporated herein by reference in its entirety" has been amended as --This application is a division of US Application Serial No 10/209,765 filed on August 1, 2002 which claims priority to provisional patent application 60/388,976, filed on June 14, 2002, which is incorporated herein by reference in its entirety--.

Allowable Subject Matter

5. **Claims 21-42,45 and 46 are allowed.**

Reasons For Allowance

6. The following is an examiner's statement of reasons for allowance:

Claims 21,32,45 and 46 are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the barbs have an origin at the lower head side.

Giannuzzi (US 5,447,005) discloses a spring fastener comprising a substantially flat head portion (10) comprising a first hole (11) and at least a lower side (10a and 10b).

The spring fastener further comprises a neck (12 and 13) having an opening and two side neck portions. The neck extends from the lower side of the substantially flat head portion at a substantially right angle with respect to the substantially flat head portion.

The spring fastener further comprises two substantially flat legs (19 and 20) extending from the neck. Each leg has inner surfaces that are at an initial proximity with each other. The legs are expandable in opposite directions upon insertion through the first hole of an expansion member (23 and 24), thus bringing the expansion member to a contact region of the legs. Each leg also has side leg portions.

The spring fastener further comprises a funnel configuration (14) in the vicinity of the contact region.

And the spring fastener further comprises barbs (15 and 17). The barbs have a front point and an origin at a region from a group consisted of the lower side of the head portion, the side neck portion and the side leg portion. The barbs are directly outwardly away from the legs and then inwardly towards the legs (Figures 5 and 6).

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Also, the barbs have sliding portions in contact with at least one of the lower, upper and side edge of the slot (the curved portion at the origin in contact with the side edge of the slot, Figure 5).

However, Giannuzzi fails to disclose that the barbs have an origin at the lower head side. Giannuzzi discloses that the barb's origin is at a side leg portion, not the lower head side.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo

AU 3676

Nov. 18, 2004



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
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ADDITIONAL DRAWING

FIG. 13

